

REMARKS

This Application has been carefully reviewed in light of the Final Action mailed March 28, 2005. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-38 stand rejected under 35 U.S.C. §102(e) as being anticipated by Xu, et al. Independent Claims 1, 12, 17, 26, and 36 recite in general the ability to move a mobile object from a home network to a foreign network in response to unavailable resources at the home network and execute the mobile object on a first virtual machine at a first router on the foreign network. By contrast, the Xu, et al. patent merely provides a capability for a mobile device to communicate with its home network remotely through a foreign network. There is no movement of any object in the Xu, et al. patent from a home network to a foreign network. There is no disclosure in the Xu, et al. patent that this movement is triggered by a lack of resources in the home network. Moreover, there is no disclosure in the Xu, et al. patent of execution of a mobile object once moved to the foreign network. The Examiner seems to equate the mobile node of the Xu, et al. patent with the claimed mobile object. However, the mobile node of the Xu, et al. patent is a device, such as a laptop computer or PDA, that can communicate data with a target host despite not being in its home network. Data communications are facilitated through agents, i.e. routers, associated with the laptop computer's home network and the foreign network where the laptop currently resides. The mobile node of the Xu, et al. patent is not remotely equivalent to the mobile object of the claimed invention, which is software code capable of being executed to perform a function. Therefore, Applicant respectfully submits that Claims 1-38 are not anticipated by the Xu, et al. patent.

Applicant notes that the Examiner has still not provided an indication that the documents submitted in the Information Disclosure Statement of June 11, 2001 were considered during examination of the Application. In addition, the Examiner has not provided any indication that the documents cited in the Information Disclosure Statements of October 16, 2004 and February 28, 2005 were considered during examination of the Application. Accordingly, Applicant respectfully requests the Examiner to provide the appropriate indication that all documents cited to date have been considered.

This Response to Examiner's Final Action is necessary to address the Examiner's interpretation of the cited art in support of the claim rejections. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided the most recent interpretation of the cited art.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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